

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

| | | |
|--------------------------|---|----------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | NO. 2:05-CR-70 |
| |) | |
| MICHAEL VASSAR |) | |

ORDER

This criminal matter is before the Court to consider the appeal of the defendant filed in regard to the Magistrate Judge's order dated January 6, 2006, which denied the defendant discovery of presentence reports in the possession of the United States Attorney. [Doc. 123]. The Sixth Circuit has concluded that the possible use of a report to impeach a witness' credibility or the use of a report as possible Brady material is not a sufficient reason to compel disclosure of a report. *United States v. Sherlin*, 67 F.3d 1208, 1217-1218 (6th Cir. 1995), Therefore, the Court **FINDS** that the Magistrate Judge's order is not clearly erroneous, an abuse of discretion, or contrary to law. Accordingly, it is hereby **ORDERED** that the Magistrate Judge's order is **ADOPTED** and

AFFIRMED. Therefore, it is hereby **ORDERED** that the defendant's appeal is **OVERRULED.** [Doc. 171].

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE